

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

-----X
In the Matter of:)

)
INVESTIGATION CONCERNING THE)
PROPRIETY OF PROVISION OF)
INTERLATA SERVICES BY BELL SOUTH)
TELECOMMUNICATIONS, INC.,)

PURSUANT TO THE) NO. 96-608
TELECOMMUNICATIONS ACT OF 1996.)
-----X

Deposition of BILL DENK, taken by MCI,
pursuant to agreement of counsel, before
Carolyn J. Smith, Certified Shorthand
Reporter, Registered Professional and Merit
Reporter, and Notary Public, at 675 West
Peachtree Street, Suite 4200 BellSouth
Center, Atlanta, Georgia, on the 13th day of
August, 1998, commencing at approximately
1:10 p.m.

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1 APPEARANCES OF COUNSEL (Continued):

2 For e.Spire Communications (Via Telephone):

3 PAUL GUARISCO, Esq.

4 Also Present:

5 Mr. Al Vanner

6 Ms. Kathy Blake

7 --- o o o o o ---

8 (Pursuant to O.C.G.A. 9-11-28, the

9 reporter made disclosure.)

10 MR. ALEXANDER: The parties are

11 appearing at this deposition at MCI's request.

12 It's a voluntary appearance by BellSouth, and

13 William Denk, D-e-n-k, is here. He represents

14 M/A/R/C. MCI had written a letter asking

15 BellSouth to produce Mr. Denk. And voluntarily,

16 BellSouth has agreed to do so.

17 Mr. Denk is voluntarily here, not under

18 a formal notice or subpoena of deposition. And

19 I'm Tom Alexander, by the way, representing

20 BellSouth. And before we started the

21 deposition -- actually before we start right now,

22 I handed out Sprint Communications Company, LP,

23 had propounded some written data request to

24 BellSouth. And we yet again voluntarily agreed to

25 respond to those.

And I had an agreement with Sprint's

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1 APPEARANCES OF COUNSEL:

2 For the BellSouth:

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1 counsel, Mr. Atkinson, who is here, that we would

2 hand these out today. And I have done so. They

3 had asked seven written requests. We have

4 answered those, and in addition have produced the

5 information responsive to the survey that was

6 specifically requested by Sprint.

7 Those have been handed out. And for

8 the record, we will file these at a later date at

9 the Commission. And I think that pretty much

10 states why we're here.

11 And I believe Ms. Berlin from MCI is

12 up.

13 EXAMINATION

14 BY MS. BERLIN:

15 Q. Thank you very much. Yes, I'm Susan

16 Berlin on behalf of MCI. Good afternoon,

17 Mister -- how do you pronounce your --

18 A. Denk.

19 Q. Denk. Okay. I wanted to ask you first

20 off what sort of background you have,

21 education-wise and work experience.

22 A. I've been with M/A/R/C for 16 years,

23 have a Master's degree in market research from

24 University of Georgia, undergraduate degree from

25 Western Kentucky University in business

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1 administration, marketing. That's about it.
2 Q. Are you represented by counsel here
3 today?
4 A. No.
5 MR. ALEXANDER: Let me just interject
6 that we are putting Mr. Denk up as an expert who
7 is defending the study that we have filed attached
8 to Mr. Varner's testimony in this case. So as
9 appropriate, as it relates to the study, BellSouth
10 will be interjecting any objections that we may
11 deem appropriate. But we do not legally represent
12 Mr. Denk. Separate companies.
13 BY MS. BERLIN:
14 Q. Are you a statistician?
15 A. No.
16 Q. Do you have statisticians at your
17 organization?
18 A. Yes.
19 Q. Did any of those statisticians work on
20 this study?
21 A. Involved in the early stages.
22 Q. Has M/A/R/C done or is it contracting
23 to do in the future any other work for BellSouth?
24 A. We do other work for BellSouth
25 currently. And we'll probably do some in the

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1 future.
2 Q. What sort of work is that?
3 A. Market research.
4 Q. Would you call what you do
5 exclusively -- is it market research?
6 A. Yeah.
7 Q. Have you done any kind of similar
8 studies in the past, similar to this study?
9 A. Yes.
10 Q. And what studies were those?
11 A. We did one in Louisiana prior to that
12 study.
13 Q. Is that the only one?
14 A. That's the only study we did prior to
15 that study.
16 Q. At all, or --
17 A. That was similar to that one, that I
18 was personally involved in. I'm not aware of
19 other studies that the company may have done.
20 Q. Did you use the very same study for
21 Louisiana?
22 A. No.
23 Q. In what respect did it vary?
24 A. Well, it was a different geography.
25 That was the main difference. You asked did we

Page 8

1 use the same study, no, we didn't use the same
2 study.
3 Q. Did you use the same questions?
4 A. Yes, we used very similar questions to
5 what we used.
6 Q. Did you insert the answers in a similar
7 manner into the report?
8 A. I guess I'm not -- could you restate
9 that question? I'm not following that one.
10 Q. Sure. The answers corresponding to
11 each question appear throughout your report. Does
12 your Louisiana report look like the Kentucky
13 report in that the same responses to the same
14 questions appear in the same place in the report?
15 A. The formats of the report are similar.
16 Q. When BellSouth approached you for this
17 project and the Louisiana project, what did they
18 tell you they were looking for?
19 A. Well, I think we're only talking about
20 the Kentucky project today, but the goal of the
21 study as stated, I guess, on page number 1 of the
22 report -- primary objective of this research was
23 to examine the PCS market for the presence of the
24 following groups. And those are listed there.
25 That was the goal of the study.

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1 Q. Did BellSouth lay out this objective
2 verbatim for you, or did you create this?
3 A. No. They did not lay it out verbatim.
4 We collaborated on, you know, translating that
5 into these words.
6 Q. Who have your contacts at BellSouth
7 been?
8 A. Bill Norton.
9 Q. Just Bill Norton?
10 A. Yes, on this study. He was the
11 contact.
12 Q. Do you know what his position is with
13 BellSouth?
14 A. I think he works in the regulatory
15 group. But beyond that, I don't know.
16 Q. How long did this particular project,
17 the Kentucky PCS study, take?
18 A. I think it took approximately six
19 weeks.
20 Q. From the time you were asked to prepare
21 it to the time you had it out on paper?
22 A. Yes. It's about a six-week time
23 period.
24 Q. What was the cost to BellSouth of the
25 study?

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1 A. I don't know the exact number. But I
 2 think it was about \$25,000, 25 to \$30,000.
 3 Q. Is that a typical price for this sort
 4 of study?
 5 A. Yes.
 6 Q. Did you discuss these depositions with
 7 BellSouth?
 8 A. Yes. Had a meeting yesterday.
 9 Q. What kind of discussions did you have?
 10 A. Basically just to tell the truth, you
 11 know, limit my answers to what I was knowledgeable
 12 about, that type of thing, and just what would the
 13 process be.
 14 Q. Did you discuss specifically what you
 15 would say to them?
 16 A. No.
 17 Q. I'm going to ask if you can agree with
 18 the proposition that I'm going to state, that the
 19 theory underlying surveys is that if you can
 20 survey a randomly selected set of people, the
 21 sample, from the population of interest, then the
 22 survey responses may be representative of the
 23 population at large.
 24 I can repeat that.
 25 A. Why don't you repeat that?

Page 11

1 Q. Sure. Okay. The proposition is that
 2 the theory underlying surveys in general is that
 3 if you can survey a randomly selected set of
 4 people from the population of interest, then the
 5 survey responses may be representative of the
 6 population at large.
 7 A. Yeah, I would agree with that.
 8 Q. Would you then agree that it's critical
 9 to appropriately identify the correct population
 10 of interest?
 11 A. Yeah.
 12 Q. Not being a survey person myself, can
 13 you define population of interest?
 14 A. Define the term? Yeah, the population
 15 is just whatever group of people of interest that
 16 you're interested in drawing conclusions about, I
 17 guess.
 18 Q. Would you agree that it's critical that
 19 those surveyed be randomly selected?
 20 A. Where that is a viable alternative,
 21 yes. But it is rarely a viable alternative.
 22 Q. So what do you do to compensate for the
 23 lack of feasibility of random selection?
 24 A. You evaluate the alternatives and weigh
 25 the pros and cons of alternatives. And you select

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1 the sampling method that you believe is the best
 2 option available.
 3 Q. Okay. On what did you rely to
 4 determine that your sample was representative of
 5 the population of interest in this case?
 6 A. Well, our goal was not necessarily to
 7 have a sample that was representative, you know,
 8 of the population of interest, because it was
 9 determined not to be feasible.
 10 Q. I don't understand that response.
 11 Could you explain it?
 12 MR. ALEXANDER: I would object to the
 13 question and ask that you ask him another
 14 question. I understand you may not understand,
 15 but I need you to ask him a question so that he
 16 can respond. I don't know that he could ever
 17 satisfy that question.
 18 BY MS. BERLIN:
 19 Q. I believe you said that it was
 20 determined to be infeasible. Just now you said
 21 that you could not come up with a population of
 22 interest or was it not feasible to come up with a
 23 population of interest; is that correct?
 24 A. We determined a population of interest,
 25 a target group, that was a qualified group of

Page 13

1 people that we were trying to interview. You had
 2 not asked me that question before.
 3 Q. Okay. So what did you rely upon to
 4 determine that your sample was representative of
 5 the population of interest?
 6 A. Well, as I stated, it was not -- it was
 7 determined that it was not feasible to draw a
 8 representative sample. Excuse me, check that word
 9 representative. A random probability sample of
 10 PCS users, which was the target population in this
 11 group. So we selected the best method alternative
 12 available among several options that were
 13 considered.
 14 Q. But did you rely upon anything in
 15 particular to determine that the sample that you
 16 drew truly was representative of the population of
 17 interest?
 18 A. Can you restate that question?
 19 Q. Did you look to anyone, any kind of
 20 expert, any particular authority, to determine
 21 that your sample was truly representative of the
 22 population of interest?
 23 A. Well, we have sampling experts inside
 24 our company. And we discussed the sample method
 25 that we used versus alternatives. And we

Page 14

1 determined that this was the best available
2 method.

3 Q Okay. I wasn't talking about the
4 method. I was actually talking about the
5 sample --

6 A. Sampling method.

7 Q. -- itself. The sample, I believe,
8 included 214 -- you ended up talking to 214
9 people; is that right?

10 A. Uh-huh (affirmative).

11 Q. How can you -- did you do anything to
12 establish that those 214 people were
13 representative of the population of interest?

14 A. I really don't understand that
15 question, to be honest with you. Did we do
16 anything to establish -- can you restate that?

17 Q. Why do you believe that that group that
18 you talked to is representative of the population
19 of interest?

20 A. Because it's in a reasonably large
21 sample of people, and they are qualified as PCS
22 customers.

23 Q. Why did you determine that the
24 population of interest was PCS users and not all
25 consumers of local exchange service?

Page 15

1 A. Because as I said earlier, the goal of
2 the study was to determine among PCS customers
3 whether several groups were present out there in
4 the population. So we were never interested in
5 talking to other types of people.

6 Q. You know BellSouth is trying to use
7 your study to show that PCS service is a
8 competitor of wireline service? Did you know that
9 was the --

10 A. Yes.

11 Q. -- the purpose of the study?

12 A. Yes.

13 Q. Did you come up with an ultimate
14 conclusion on that?

15 A. Did I come up with an ultimate
16 conclusion on that? On what?

17 Q. On whether PCS truly is a competitor to
18 wireline service?

19 A. We drew the conclusion that there are
20 some people out there that do indeed substitute
21 PCS service or substitute wireline service with
22 PCS.

23 Q. But did you draw any conclusion as to
24 whether it's a viable -- it's an actual competitor
25 of wireline service?

Page 16

1 A. That's outside of the scope of what I
2 was asked to do.

3 Q. Okay. I'm going to give you a
4 hypothetical. And I want to ask you if this
5 hypothetical is analogous to this survey that you
6 conducted.

7 I want to see how many people think
8 that riding a bicycle to work is a viable
9 alternative to driving or public transportation.
10 And in my survey, I speak only to people who have
11 a bicycle versus everyone who works outside their
12 home.

13 Is that more or less the sort of survey
14 that you conducted?

15 A. I can't comment on that. I mean,
16 that's speculation. I don't know how to respond
17 to that.

18 Q. Using the methodology that you
19 employed, would it be possible to develop a study
20 just like the one you did to see if ham radio is
21 used by some people as an alternative to basic
22 wireline phone service?

23 A. I don't know.

24 Q. If you put an ad in the paper and said,
25 "Attention ham radio operators, call in, we have

Page 17

1 some questions for you," and you asked a pool, you
2 could determine if there were any people out there
3 using ham radio as a substitute for basic wireline
4 service; true?

5 A. Sure, you could do that, I suppose. I
6 mean --

7 Q. And you could do it just the way you
8 did this study; right?

9 A. Sure.

10 Q. So you can't agree that it would be a
11 more accurate study -- or can you agree it would
12 be a more accurate study if your sample included
13 all consumers of local exchange service?

14 A. No, I can't agree with that.

15 Q. Any reason?

16 A. Because the goal of the study was to
17 talk to PCS users and to find out if among that
18 group of people there were people substituting who
19 had purchased PCS in substitution for local
20 wireline service. That was the goal of the
21 study. So it made no sense to talk to people --
22 other types of people.

23 Q. All right.

24 A. That was the objective of the study.

25 Q. What about people who don't want PCS

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1 service in any capacity, and never would consider
2 substituting it for -- that sort of people never
3 could participate in your survey; is that
4 correct?

5 A. Well, yeah, that's true.

6 Q. Your study covered only Louisville;
7 isn't that right?

8 A. That's correct.

9 Q. It did not cover the other areas served
10 by BellSouth in Kentucky?

11 A. All I know is that it covered
12 Louisville. I don't really know what BellSouth's
13 coverage area is.

14 Q. Any particular reason why it covered
15 only that city?

16 A. Yes. It's the largest city in
17 Kentucky, and it's the largest PCS market. That's
18 my understanding. So therefore, we had the
19 highest probability of finding PCS users.

20 Q. Do you mean to suggest by implication
21 that the percentages shown in your study would be
22 the same for consumers of basic service in say
23 Frankfort?

24 A. No.

25 Q. So the survey is only good for the

Page 19

1 survey area which is Louisville?

2 A. Correct.

3 Q. Do you know how many people take basic
4 telephone service in Louisville?

5 A. No.

6 Q. Do you know how many people subscribe
7 to Sprint PCS service in Louisville?

8 A. I do not.

9 Q. How can you determine whether you're
10 using a valid sample or whether your sample size
11 is adequate without knowing the size of the
12 universe you're dealing with?

13 A. What do you mean by adequate?

14 Q. You have no idea how many people use
15 Sprint PCS service in Louisville; is that right?

16 A. That's correct. I have a rough idea.

17 I'll say that it's in the thousands, I think.

18 Q. Is it in the tens of thousands, in the
19 single thousands?

20 A. Don't know.

21 Q. Is it in so many thousands that it's
22 the millions?

23 A. No.

24 Q. So how do you know that you spoke to
25 enough people to draw your sample?

Page 20

1 A. Well, as I said, the goal of the study
2 was to find -- I'll read the words, to examine the
3 PCS market for the presence of the following
4 groups. So we interviewed people, and we did
5 identify and locate people who described
6 themselves in this way. So again, given that
7 that's the objective of the study, that's what we
8 did. And --

9 Q. So really the purpose was to detect the
10 presence rather than the prevalence of the groups
11 you listed?

12 A. Yes.

13 Q. So when you come up with a number like
14 2 percent -- you say 2 percent of people have
15 abandoned wireline service in favor of PCS
16 service. And since you had spoke to 214 people,
17 this means that you talked to approximately four
18 people in all of Kentucky and found that they --
19 or who told you that they abandoned wireline
20 service for PCS?

21 MR. ALEXANDER: I object to the form of
22 the question. That's not what he has said at
23 all.

24 (A discussion was had off the record.)

25 MS. BERLIN: I think you can answer. I

Page 21

1 think it's a reasonable question.

2 MR. ALEXANDER: I'm going to object.
3 It's not. You just said in all of Kentucky. He
4 said he did a study in Louisville, did a study of
5 PCS users of Sprint in Louisville. It's a finite
6 universe. It's not a comparison of all citizens
7 in Kentucky.

8 BY MS. BERLIN:

9 Q. I'd be glad to limit the question to
10 that.

11 A. Could you repeat the question, please?

12 Q. Sure. Of the 214 people you spoke to,
13 you say that per 2 percent tell you that they've
14 abandoned wireline service in favor of PCS. Is
15 that about four people?

16 A. Correct.

17 Q. So you did not speak to more than
18 four -- or at the outside, five people who say
19 that they've abandoned wireline service in favor
20 of PCS?

21 A. Which particular -- I just want to be
22 clear on which particular number you're referring
23 to, which question.

24 Q. It's table 3 on page 3.

25 A. Yeah, that would be correct.

Page 22

1 Q. Why did you only speak to Sprint PCS
2 customers?
3 A. It was our understanding that they were
4 either the only or predominant PCS provider in
5 that market at that time.
6 Q. Do you know whether they were the only
7 provider at that time?
8 A. Well, they were the only predominant
9 provider is my understanding, based on what I was
10 told by BellSouth.
11 Q. Is BellSouth a PCS provider in
12 Kentucky?
13 A. Not to my knowledge.
14 Q. Why did you not include other wireless
15 service in your study?
16 A. Well, it was a PCS study. What are you
17 including when you say wireless?
18 Q. Other wireless would be analog cellular
19 and digital cellular.
20 A. As I said, the goal of the study was to
21 talk to PCS users, PCS wireless users. So that's
22 why.
23 Q. Do you have any idea what percent of
24 all users of local telephone service in Louisville
25 use PCS service?

Page 23

1 A. I don't know the exact number, no. I
2 know it's low.
3 Q. Just turning to the methodology you
4 employed, how did you determine that polling
5 people who responded to a newspaper ad was the
6 best methodology for your survey?
7 A. Well, I guess when you choose a
8 research methodology, you're typically trading off
9 cost, timing and the ability to build, you know, a
10 large sample. And we decided that, you know, this
11 method would be the best for accomplishing that
12 objective.
13 Q. Notice that your questions are all
14 multiple choice in nature, and you don't didn't
15 use any open-ended questions. Why is that?
16 A. Well, we only really asked questions
17 that were relevant to the objectives of the study,
18 which is standard practice.
19 Q. In those questions where none of the
20 above is a reasonable -- or is one of the choices,
21 you didn't read that as a choice to those people
22 with whom you spoke. Why is that?
23 A. Again, that's just a standard research
24 practice.
25 Q. Would you agree that that tends to skew

Page 24

1 your results towards the options you have set
2 forth?
3 MR. ALEXANDER: I'm going to object to
4 the question based on skew. You need to define
5 what you're asking him to respond to.
6 BY MS. BERLIN:
7 Q. People with whom you're speaking who
8 find that none of the options offered really meets
9 their situation who are not offered none of the
10 above as a choice are likely to choose the closest
11 fitting option in order to have an answer. Is
12 that not true?
13 A. I don't know that that's true. They
14 have the option to say none of the above, and then
15 we capture their answer.
16 Q. Is multiple -- do you believe that a
17 multiple choice survey of this nature is
18 inherently less accurate than asking open-ended
19 questions?
20 A. No. I believe it's more accurate.
21 Q. Is it not true that in your survey,
22 these respondents are entirely self-selecting?
23 A. That is true.
24 Q. Does this not automatically bias your
25 study?

Page 25

1 A. No. I don't think so, because in any
2 survey research, any respondent that agrees to
3 cooperate -- that decides to cooperate with the
4 survey is self-selecting.
5 Q. That's true to a certain extent, I'm
6 sure. In this case, you placed an ad in two news
7 sources, newspapers, the "Courier Journal" and
8 "Business First"; is that correct?
9 A. Correct.
10 (A discussion was had off the record.)
11 MS. BERLIN: Who has just joined the
12 call?
13 MS. DOUGHERTY: This is Amy Dougherty,
14 attorney to the Commission.
15 MS. BERLIN: Hi, Amy.
16 BY MS. BERLIN:
17 Q. Could you agree that a different sort
18 of consumer reads "Business First" versus the
19 population at large?
20 A. Different? What do you mean by
21 different?
22 Q. A certain type of person reads
23 "Business First", and that's not the only type of
24 person that takes PCS service. Would you agree
25 with that?

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1 A. Yeah. I guess I would agree with
 2 that.
 3 Q. Even moreover, a certain type of person
 4 reads the newspaper at all. And it's a larger
 5 pool of people that subscribe to PCS service than
 6 people that read the newspaper at all. Would you
 7 agree with that?
 8 A. No, I disagree with that.
 9 Q. Do you believe there are PCS
 10 subscribers that do not read the paper?
 11 MR. ALEXANDER: I'm going to object to
 12 the question. Just pure speculation.
 13 BY MS. BERLIN:
 14 Q. Do you have any familiarity with PCS
 15 and telecommunications in general?
 16 A. Yes.
 17 Q. Do you believe you have a background to
 18 answer that kind of question?
 19 A. Could you repeat the question?
 20 Q. The question is whether there are
 21 customers who take PCS service that do not read
 22 the newspaper.
 23 A. Yes, there probably are.
 24 Q. And such people would not see your ad
 25 and would not be able to respond; is that true?

Page 27

1 A. That's correct.
 2 Q. There are other people who do read the
 3 paper and take PCS service but don't believe they
 4 have time to respond to your survey; isn't that
 5 true?
 6 A. True.
 7 Q. So the only kind of people with whom
 8 you spoke are people who read the paper or read
 9 "Business First", have PCS service, and
 10 responded?
 11 A. True.
 12 Q. Making those people potentially
 13 different than the pool of customers that use
 14 PCS?
 15 A. Potentially, but we don't know that.
 16 Q. Would you agree that the offer of
 17 monetary compensation can skew your -- is there
 18 another word other than skew?
 19 (A discussion was had off the record.)
 20 BY MS. BERLIN:
 21 Q. Okay. Do you believe that monetary
 22 compensation can skew your results?
 23 MR. ALEXANDER: Same objection.
 24 BY MS. BERLIN:
 25 Q. Do you know what the word skew means?

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1 A. I do. Well, in a general sense, I do.
 2 But I don't know if that's the case.
 3 MR. ALEXANDER: Why don't you define it
 4 for him?
 5 THE WITNESS: It's never been proven to
 6 me. We offer a monetary incentive often in market
 7 research to get cooperation to do a survey.
 8 Otherwise, you can't get the survey done. It's a
 9 very frequently used approach.
 10 BY MS. BERLIN:
 11 Q. In your survey, do you ask the person
 12 responding where they saw the ad?
 13 A. Correct.
 14 Q. But you don't include in the study a
 15 breakdown of those respondents and where they saw
 16 the ad? Do you have that breakdown?
 17 A. Yes, I do.
 18 Q. And how did it break down?
 19 A. Let's see. Let's see here. I may not
 20 have it.
 21 (A discussion was had off the record.)
 22 A. Not coming up with it. Sorry.
 23 Q. So you don't know the breakdown of
 24 respondents to your ad?
 25 A. I have a -- I mean, I recall that it

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1 was roughly 75, 80 percent from the "Courier
 2 Journal" and the balance from "Business First." I
 3 can get that information.
 4 Q. Did you analyze potential sources of
 5 bias inherent in your survey?
 6 A. I guess I'm not -- what do you mean by
 7 that? I'm not quite following that question.
 8 Q. We spoke a few minutes ago about how
 9 it's a certain type of person with whom you're
 10 speaking. It is the type of person who reads the
 11 newspaper, who sees the ad, and finds he has time
 12 to respond to the ad and potentially wants a cash
 13 gift.
 14 Did you analyze those and other
 15 potential -- just potential sources of bias
 16 inherent in your survey?
 17 A. Well, in the design stage of the
 18 survey, as I alluded to before, we evaluated this
 19 sampling option versus other alternatives. So
 20 from that standpoint, we did evaluate pros and
 21 cons and determine that this was going to be the
 22 best method to meet the objectives of the study.
 23 Q. And I note that you include no margin
 24 of error in your results. Did you calculate a
 25 margin of error?

Page 30

1 A. Well, again, given that the goal of the
2 study was to detect the presence of these people,
3 we -- I mean, it's factual, that we went out, we
4 talked to some people, they answered the
5 questions, and we determined that they exist. So
6 from that standpoint, there's no margin of error
7 calculation required.

8 Q. Have you done any other kind of
9 polling?

10 A. We don't call it polling. We do a lot
11 of market research, survey research.

12 Q. Does this vary significantly from, for
13 example, political polling?

14 A. We really don't do any political
15 polling.

16 Q. Are you suggesting there is no margin
17 of error in your study?

18 A. In terms of saying that, you know, of
19 the 214 people that we interviewed, we identified
20 16 or 17 people that described themselves in the
21 manner in which they did, within the questions
22 asked. No, there's no margin of error. It's a
23 factual situation.

24 Q. Looking at table 8 of your report, I
25 notice you say that 67 percent of Kentucky PCS

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1 users of mostly personal usage use PCS to make or
2 receive calls at home instead of wireline phone.
3 You don't provide any kind of breakdown as to
4 whether this is for receiving or making calls.

5 Do you have that information?

6 A. Let me take a look at the -- yes, I
7 do. It's going to be in this data. Let's see
8 here one second. Okay. Could you repeat the
9 question? I think I have what you need.

10 Q. Do you have a breakdown for table 8 of
11 customers using PCS to make/receive calls at home
12 instead of using wireline phone, breakdown of
13 whether the -- percentage making, percentage
14 receiving.

15 A. Right. Okay. The percentage that said
16 I use the mobile service to make calls when I am
17 at home in addition to using a regular wireline
18 telephone is 46.4 percent. The percentage that
19 says I use the mobile service to receive calls at
20 home instead of having callers dial my wireline
21 telephone is 20.2 percent. So the sum of those
22 two equal that number.

23 Q. Did you ask any questions with respect
24 to the frequency with which this occurs?

25 A. No.

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1 Q. Would you agree that that's a relevant
2 consideration in evaluating whether PCS is
3 competing with the wireline service?

4 A. I don't really -- I don't know. I mean
5 that was kind of beyond the scope of this.

6 Q. Okay. If I have PCS service and I once
7 make a call on it, once a year, and all the other
8 calls I make I make on my wireline phone, my
9 answer to this question would have been yes. Is
10 that correct? I would have been included in the
11 percentage of people that make and receive calls
12 at home instead of using wireline phone?

13 A. I don't know how you would have
14 answered that question.

15 Q. If I were answering as the question
16 dictates, I would have said that yes, I do make
17 calls on the PCS phone versus the wireline phone;
18 true?

19 A. Well, to be technical about it, the
20 question says calls, which is plural. And you
21 said one call. So you wouldn't answer it that
22 way.

23 Q. Let's say two calls.

24 A. Okay. Then you would answer it that
25 way.

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1 Q. In certain of your questions, it says
2 rotate answers like, question 10. Rotate
3 answers.

4 A. Okay.

5 Q. On question 11 -- I think this is also
6 true for question 9, which is how a person uses
7 the service for business and personal reasons. In
8 these two, you did not rotate the answers. Why is
9 that?

10 A. I guess the primary reason would be
11 since this is a multiple response question, and
12 they could basically agree yes or no with every
13 one of these questions; whereas in the other
14 question that you referred to, it's a
15 single-response question. They can only give you
16 one answer out of the five.

17 So we wanted to make sure we randomized
18 the order in which people would receive the five
19 options, in the earlier question was. That was
20 not an issue in this question.

21 Q. Okay. So you rotate answers in certain
22 questions because if you don't, it biases the end
23 result?

24 A. Yes, in certain types of questions.

25 Q. Okay. On page 7, which is your

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1 conclusions page, looking at the third bullet, the
2 third square, the last bullet under that, it says
3 many use PCS as the primary home or business
4 phone.
5 I have a question regarding the
6 21 percent you have for primary home. I believe
7 this is an error, because it does not match up
8 with table 7 where it says 7 percent is the
9 correct number there. Am I right that this is an
10 error?
11 A. The 21 percent refers to the average
12 number in the aggregate sample. The 29 percent
13 refers to just the business group.
14 Q. Where did primary home come from?
15 A. I really don't know.
16 Q. Okay. And how does this square --
17 these percentages in the lines we're looking at
18 right now, how do these correspond to the other
19 percentages in the survey, like 2 percent you say
20 that have eliminated wireline service in favor of
21 PCS?
22 Even adding on 3 percent who start out
23 only on PCS, and the 3 percent who choose PCS in
24 lieu of a second wireline, that's no more than --
25 I'm sorry, let me strike that part, because the

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1 second line is not relevant for primary line.
2 MR. ALEXANDER: Can you restate the
3 question?
4 MS. BERLIN: Yes.
5 BY MS. BERLIN: .
6 Q. What do these numbers mean? This
7 21 percent, this 29 percent, what do they mean?
8 A. Which number are you referring to
9 then?
10 Q. The last bullet on the third -- on the
11 conclusions page.
12 A. The 29 percent means that 29 percent of
13 the people that use PCS primarily for business
14 usage agreed with the statement that says -- that
15 describes them saying I use the mobile service as
16 my primary business telephone, which is
17 question 11, response number 1.
18 Q. Okay. Would you agree that -- okay.
19 Question 11 is one of those questions where you
20 did not rotate the order of the options. And
21 that's true; right?
22 A. Correct.
23 Q. And you agreed that you sometimes
24 rotate the order because if you don't do so, it
25 skews your results; is that true?

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1 A. For certain types of questions, not
2 this type of a question.
3 Q. So offering that choice, I use the
4 mobile service as my primary business telephone,
5 first does not incline those people with whom
6 you're speaking to choose it?
7 A. No.
8 Q. Are people more likely to choose the
9 first option, the last option?
10 A. Not on this type of question, because
11 in effect, this is really like five separate
12 questions, because you read the sentence, and then
13 you pause after each. And then basically, the
14 respondent says either yes or no.
15 So it's kind of like a stand-alone
16 question. And you move on to another question,
17 and you read it. And that's very different than
18 the other kind of question that you referred to
19 earlier, which is where the answers are rotated
20 where each answer depends on, you know, the other
21 options.
22 Here these are independent options.
23 They could have agreed with every one of these
24 statements.
25 Q. So a person that you spoke to could

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1 have agreed that they use the mobile service as
2 the primary business telephone and as a second
3 telephone at work?
4 A. Uh-huh (affirmative).
5 Q. The same person could have said that?
6 A. (Witness nodded head affirmatively.)
7 Q. Do you have a breakdown of the other
8 responses or the percentages that correspond to
9 the other responses outside of this first one?
10 A. Yeah. I think that's in the report,
11 isn't it?
12 Q. I don't believe it is in the report.
13 Can you show me where in the report it is?
14 A. Well, Table 6.
15 (A discussion was had off the record.)
16 BILL DENK,
17 having been duly sworn that the testimony he has
18 given was the truth and the testimony he is about
19 to give will be the truth, was examined and
20 deposited as follows:
21 (A discussion was had off the record.)
22 BY MS. BERLIN:
23 Q. I'm looking at your Table 6, which
24 refers to people who make calls away from
25 home/place of business using PCS instead of using

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1 wireline service at friends and business
2 associates.
3 A. Uh-hub (affirmative).
4 Q. Is there any kind of service that is
5 supplanted by a person's using their PCS service
6 at a friend's home or at a business rather than
7 using the telephone of the premise where they
8 are?
9 A. Can you repeat that? Is there any kind
10 of service, did you say?
11 Q. I am trying to understand how this is
12 competition, where the competition comes in, if a
13 person with a PCS phone uses that phone at a
14 friend's house to make or receive a call or at a
15 business to make or receive a call in lieu of
16 using the phone at the premise.
17 A. All we are saying is that they're
18 making -- just as it's stated, they're making
19 calls using PCS instead of making calls on a
20 wireline that they would have otherwise made.
21 There's a percent of people that say that.
22 Q. Do you have any idea what percent of
23 people take service in Louisville on a
24 usage-sensitive basis versus a flat-rate basis?
25 A. I have no idea.

1 A. Well, it may do that as well, but the
2 definition of cannibalization only applies to the
3 first part of that.
4 Q. So in your definition of cannibalize,
5 if the growth of PCS does not diminish the number
6 of lines BellSouth services, but maybe even -- but
7 perhaps diminishes its growth, does that fit your
8 definition?
9 A. Can you restate that, please?
10 Q. If BellSouth's number local wireline
11 access lines served continues to grow even in the
12 face of the introduction of PCS, but perhaps grows
13 more slowly than it otherwise would, would you say
14 that PCS is cannibalizing wireline service?
15 A. I can't really -- I don't know. I
16 don't know. I can't answer that, because you need
17 a lot more information to be able to determine
18 source of business.
19 Q. Okay. You said that cannibalization is
20 a product or service that shifts customers away
21 from an existing service. I'm saying if the
22 number of customers never diminishes but in fact
23 increases, though it may increase more slowly than
24 it otherwise would, does that fit your definition
25 of cannibalization?

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1 Q. Would you agree that if this kind of
2 usage depicted in your Table 6 actually generates
3 revenue for the local exchange company and saves
4 cost, that it's not competition?
5 MR. ALEXANDER: I'm going to object to
6 the question. That's not what this witness is
7 here to testify about. It has no connection with
8 his study. The type of revenue BellSouth or any
9 other company may make off any type of call is not
10 a part of the study.
11 MS. BERLIN: You can object and --
12 MR. ALEXANDER: And I have.
13 THE WITNESS: I couldn't answer the
14 question anyway.
15 BY MS. BERLIN:
16 Q. All right. Well, in your conclusions
17 and several times throughout your study you used
18 the word cannibalization. I was wondering if you
19 could define that term as you used it.
20 A. It basically occurs when a new product
21 or service shifts business away from an existing
22 product or service as opposed to creating
23 incremental brand-new business or new customers.
24 Q. So it shifts customers away from an
25 existing service without creating a new a market?

1 A. I don't know -- I guess the reason I'm
2 struggling is because you can have cannibalization
3 going on at the same time as you have expansion of
4 the market going on, which is what we refer to
5 here in the first bullet. While at the same
6 time --
7 MR. ALEXANDER: Could you, for the
8 record, just point -- it's on a written record and
9 you pointed to the first bullet. You need to give
10 a page of some sort so the court reporter can know
11 what you were pointing to.
12 THE WITNESS: Looking at the first
13 bullet of the conclusions section, we're saying
14 that PCS both expands the market for wireless
15 service, attracts first-time customers to the
16 market, and it cannibalizes business from
17 providers of cellular service.
18 BY MS. BERLIN:
19 Q. And --
20 A. Does that answer your question?
21 Q. I don't think so. Diminishment of
22 growth does meet your definition of
23 cannibalization?
24 A. No. I mean, I'll restate the
25 definition. It's a new product or service that

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4 Q. Okay. Who established the instructions
5 for conducting the study?

8 Q. You say that the development of the
9 goal was a joint effort; is that right?

11 Q. Once the goal is established, who then
12 established the procedures for conducting the

13 study?

14 A. I guess when you say procedures for
15 conducting the study, I need to understand what
16 specifically you're referring to.

17 Q. Who determined that the population
18 would be gathered by placing an ad in the
19 newspaper?

20 A. That was also a collaborative

21 decision. Our role was to kind of present

22 alternatives and discuss alternatives and options
23 and pros and cons and that type of thing.

24 Q. What were the alternatives that were

25 presented to that?

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1 A. One alternative was to attempt to
2 interview - basically get a random sample of PCS
3 users via prefixes, information, however method we
4 used it, and that was the primary one that we
5 looked at. And that was a viable option except
6 for two big problems.

7 Number one, many PCS users don't leave
8 their phones on. So you can't reach them.
9 Secondly, they would have to pay for the call. So
0 that was viewed as not a viable option.

1 Q. Were all of the options limited to the
2 universe of PCS users? Let me strike that and ask
3 the question a different way.

4 Were any of the options inclusive of a
5 larger population than PCS users?

6 A. Possibly, but I mean, I can't recall.
7 That was, what, eight months ago.

8 Q. That reminds me of one question. When
9 were you engaged to conduct the study?

0 A. This was in January of 1998.

1 Q. Was that specifically for the Kentucky
2 study, or was that for all the studies?

3 A. For Kentucky.

4 Q. When were you initially engaged by
5 BellSouth for I guess what I would call the larger

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1 effort of conducting all of these studies?
2 A. Well, pretty much it's -- I mean, we
3 were engaged for the first time, what, a year ago
4 to do a Louisiana study.
5 Q. Okay. What were the terms of your
6 engagement?
7 A. The terms of the engagement?
8 Q. Yes.
9 A. What do you mean by that?
10 Q. Was there a written document that set
11 out the terms of your engagement with BellSouth?
12 A. There was a proposal that outlined what
13 we would do on this particular study.
14 Q. For the Kentucky study?
15 A. Correct.
16 Q. Do you recall what that outline was
17 that you would do for the Kentucky study?
18 A. It was basically what we did.
19 Q. Did it determine in that outline how
20 you would conduct the study?
21 A. Yes. It suggested how we would
22 approach the study.
23 Q. In terms of the methodology you would
24 use?
25 A. Correct.

1 analysis?
2 A. Correct.
3 Q. Okay. I take it since the goal of the
4 study was only to talk to PCS customers and not a
5 larger population, that you did not have as a goal
6 to evaluate whether PCS is a commercially viable
7 alternative to wireline service?
8 A. The goal of the study was as stated. I
9 mean, I don't know what else to say. It was to
10 examine market for the presence of the following
11 groups, and those people are people that
12 substitute.
13 Q. And that was the only goal of the
14 study?
15 A. That was the primary objective of the
16 research.
17 Q. What were the other objectives?
18 A. Well, I mean all I can say is that's
19 what's stated here, that that was the objective of
20 the research.
21 Q. Okay. You said before it was the
22 primary objective. So I assumed there must be
23 secondary objectives. If I'm wrong, please tell
24 me.
25 A. I guess there were -- I mean, we don't

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1 Q. So that document set forth, for
2 example, that you would place newspaper
3 advertisements --
4 A. Correct.
5 Q. -- and conduct telephone interviews?
6 A. Correct.
7 Q. Who came up with the questions that you
8 used in the telephone interview?
9 A. Collaborative effort.
10 Q. Was there any part of that study that
11 was not a collaborative effort?
12 A. Well, the actual execution of the study
13 was completely -- and the analysis of the results
14 was completely handled by us. And that is not a
15 typical -- you have a meeting to determine client
16 needs, we translate those client needs into a
17 proposal and a questionnaire, we give it back to
18 the client.
19 They react to it, and then we get
20 agreement on what we are going to do. And then we
21 execute the study and analyze the results. And
22 that's what happened.
23 Q. Is it fair to say it was collaborative
24 up to the point where M/A/R/C personnel actually
25 talked to the respondents and then reviewed the

1 state any secondary objectives, so that was it.
2 Q. Okay.
3 A. There was some objectives within that
4 in terms of who these groups are.
5 Q. If the objective of the study was as
6 stated on page 1, to talk to PCS customers, can I
7 infer from that correctly that an objective of the
8 study was not to determine whether PCS is a
9 commercially viable alternative to wireline local
10 service?
11 A. I don't know what to tell you about how
12 to make an inference from that.
13 Q. Did M/A/R/C draw any conclusions
14 whether PCS is a commercially viable alternative
15 to wireline local service?
16 A. No, we didn't draw any of those
17 conclusions.
18 Q. Several times in response to
19 Ms. Berlin, you used the phrase population of
20 interest. What was the population of interest in
21 this study?
22 A. PCS users.
23 Q. And in particular, it was the PCS users
24 who responded to your newspaper advertisements; is
25 that correct?

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1 A. No, that's not correct.
2 Q. Well, are you drawing an inference from
3 the results of your study to all PCS users?
4 A. No.
5 Q. So isn't it true from that then that
6 the population of interest in this case was
7 limited to only those respondents to whom you
8 talked on the telephone?
9 A. That was the sample of people that we
10 talked to.
11 Q. Okay. And you can draw no statistical
12 conclusions from that sample to any broader
13 universe; is that correct?
14 MR. LLEWELLYN: Could you repeat the
15 question?
16 MR. LAMOUREUX: Sure.
17 BY MR. LAMOUREUX:
18 Q. You cannot draw any conclusions --
19 A. When you say you --
20 Q. M/A/R/C cannot draw any conclusions to
21 a broader universe from the results presented in
22 this study; is that correct?
23 MR. LLEWELLYN: I think you switched
24 from can to did. I thought your first one was did
25 not.

1 Q. With margins of error, with standard
2 deviations, all the sort of statistical measures
3 that you would have on the population based on a
4 sample of that population. If that helps.
5 A. Well, what I can say is that this is
6 not a random probability sample, as very few
7 samples are in market research, where the laws of
8 statistics absolutely apply. Okay.
9 In practical application, very little
10 research that gets done for anybody meets all
11 those criteria. Yet every day, conclusions are
12 drawn on the basis of such research. And
13 inferences are made. So that's why it's difficult
14 to kind of answer your question.
15 Q. Sure. Let me ask the question this
16 way. Take as an example --
17 A. And as I said earlier, there was no
18 feasible way to draw a perfectly random national
19 probability sample for this study. So --
20 Q. Looking at graph 1 on page 2 of your
21 study --
22 A. Uh-huh (affirmative).
23 Q. -- you found that of the sample that
24 you talked to, 2 percent had eliminated service
25 and replaced with PCS?

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1 MR. LAMOUREUX: Let's let him answer
2 can then.
3 THE WITNESS: It's a hard one to
4 answer. I mean, I can draw conclusions because
5 that's part of my job --
6 BY MR. LAMOUREUX:
7 Q. Let me ask it this way.
8 A. -- all the time. I'm paid to draw
9 conclusions and interpret information.
10 Q. The number of respondents in your
11 study --
12 A. Correct.
13 Q. -- is not a statistically
14 representative sample of any broader universe, is
15 it?
16 A. I don't know if it is or if it isn't.
17 Q. Since you don't know that it is a
18 statistically representative sample, you cannot
19 statistically draw any conclusions to a broader
20 universe from the results that you have in your
21 study; is that correct?
22 A. I can draw conclusions. I mean --
23 Q. Statistically valid conclusions?
24 A. What do you mean by statistically
25 valid?

1 A. That's correct.
2 Q. You cannot determine from that with any
3 statistical precision that that is true for the
4 entire Louisville PCS market; isn't that correct?
5 A. What I can say is that 2 percent of the
6 people that we talked to answered that way and
7 fulfilled that requirement. And I can interpret
8 that information and infer that, you know, some
9 number of people -- and based on my experience, it
10 would be, you know, in that range out there in the
11 population -- would fulfill that requirement.
12 But can I do that with predictable
13 statistical, you know, range of error? Not
14 necessarily, no.
15 Q. So you can't say that, plus or minus X
16 percent, 2 percent of the entire Louisville PCS
17 market has eliminated service and replaced it with
18 PCS?
19 A. Well, I can say that -- I mean it's --
20 I can say I know the range is less than 2 percent
21 on the low side. I can say that.
22 Q. Because that would take you below zero?
23 A. Correct.
24 Q. All I want to get at is this is not a
25 statistically representative sample, or you have

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1 no information that this is a statistically
2 representative sample of any universe broader than
3 the universe of respondents. Would you agree with
4 me on that?

5 A. Can you restate that, please?

6 Q. Sure. You have no information that
7 this is a statistically representative sample of
8 any broader universe other than the respondents
9 that M/A/R/C talked to on the telephone?

10 A. Well, what I can say factually is that,
11 you know, of the 214 people we talked to, this
12 percentage of people answered these questions this
13 way. That's what I can say, you know, without a
14 question.

15 Q. Can you say that this universe is
16 statistically representative of any larger
17 universe?

18 A. I don't know for sure.

19 Q. Since you don't know, I take it that
20 means you cannot say; is that correct?

21 A. I guess that would be correct.

22 Q. I want to try and understand the
23 numbers a little bit. The report says that there
24 were 214 respondents that actually went into the
25 numbers from the, I guess, larger group of people

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1 that actually called in; is that right?

2 A. Correct.

3 Q. Okay. And I'm looking at what we were
4 given just before the deposition. As I understand
5 it from that, there were a total of 295
6 respondents; is that right?

7 A. That's the number of people that called
8 in. That was provided in response to a request.
9 That is not what was upon which these numbers were
10 based.

11 Q. I understand that. But the number of
12 people that called in in response to the
13 advertisements, that was 295?

14 A. Right.

15 Q. And then I take it that some of them
16 were screened as a result of some of the initial
17 questions?

18 A. Correct.

19 Q. Okay. If I look at the numbers for
20 questions 8, 9, 10 and 11, it looks to me for
21 questions 8 and 9 that there were 87 --

22 MR. ALEXANDER: Jim, for the record,
23 are you looking at --

24 MR. LAMOUREUX: This is what we were
25 handed before the deposition.

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1 MR. ALEXANDER: There are three
2 attorneys on the call who do not have this in
3 front of you. BellSouth responded to Sprint's
4 data request. And we have handed out -- looks
5 like 24 sheets of paper that contain information.

6 And, Jim, if you could identify which
7 page, just --

8 MR. LAMOUREUX: I would if there were
9 page numbers.

10 MR. ALEXANDER: There is on mine.

11 MR. LAMOUREUX: Oh, I'm sorry. I'm on
12 page 11.

13 MR. ALEXANDER: Okay. You're looking
14 at page 11?

15 BY MR. LAMOUREUX:

16 Q. Right. The top number of that is 87.

17 And then on page 12, the top number is also 87.

18 Am I correct in inferring from that that there
19 were 87 residential PCS users that were then asked
20 the questions in 8 and 9?

21 A. Okay. You're looking at page 11, you
22 said.

23 Q. Yes.

24 A. Question 8. And --

25 Q. It says --

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1 A. The question was what again?

2 Q. Well, I'm looking at the first row
3 under total. It says base - USE 51% + FOR
4 PERSONAL REASONS.

5 A. Right.

6 Q. The number to the right of that is 87?

7 A. That's correct.

8 Q. I take it that 87 was the number of
9 residential PCS users that you had determined out
10 of the respondents that met the screening process;
11 is that right?

12 A. Okay. Again, these tables were
13 produced in response to a request by somebody.
14 And they were requested to be produced in a
15 certain way, which we did. This is not the set of
16 tables that we used to produce the report.

17 The reason for that is -- and this is a
18 standard in market research -- when you do an
19 analysis, you do an analysis on completed
20 interviews. And so therefore, the table we're
21 looking at, 87 people received this question.
22 That's what that number means. Not all of those
23 people, you know, maybe completed the entire
24 interview.

25 Q. Here's what I'm trying to figure out.

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1 I see 87 for 8 and 9. And then for 10 and 11, I
 2 see 137.
 3 A. Yeah. Let's see. Yes.
 4 Q. And I add those together. And I got
 5 224 rather than 214. And I was trying to figure
 6 out how these numbers correspond to 214.
 7 A. Okay. Well, what that means is that
 8 there were 10 people that did not make it all the
 9 way to the interview. They decided to hang up,
 10 whatever. Who knows. But, you know, the data
 11 tables that -- I mean the study is based on the
 12 data table where 84 people answered this question
 13 and completed the survey.
 14 And the other question was there was
 15 130 people that answered this question and
 16 completed the survey. 130 and 84 equals 214.
 17 Q. Where's the 130, the --
 18 A. It's not in these set of tables. I'm
 19 trying to say these set of tables were produced --
 20 these are just in response to the request.
 21 Q. Could you give me the number again of
 22 the 87 how many completed the survey?
 23 A. 84 people were counted in terms of
 24 completed interviews.
 25 Q. And of the 137?

1 the accuracy of the respondents' answers; is that
 2 right?
 3 Let me give an example. If someone
 4 said yes, I use PCS as my primary phone in my
 5 house, M/A/R/C didn't collect any data to say you
 6 use a hundred minutes per month for your wireline
 7 phone, I see you only use 20 minutes a month for
 8 your PCS phone; therefore your answer could not be
 9 correct?
 10 A. This is the only data that we collected
 11 in this study.
 12 Q. The data relies on self-reporting
 13 answers of the respondents; right?
 14 A. Which is what survey research is.
 15 Q. Similarly, in terms of purchasing, the
 16 survey relies on respondents to self-report their
 17 motivations for purchasing PCS?
 18 A. Correct.
 19 Q. If you could look at page 6 of the
 20 report, right after Table 7, the first sentence
 21 there says Table 8, which focuses on PCS customers
 22 with more personal than business usage, reveals
 23 that around two thirds use PCS instead of using an
 24 existing wireline phone to make or receive calls
 25 at home.

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1 A. 130.
 2 Q. Okay. So if I understand how this
 3 works, 295 people called in.
 4 A. Correct.
 5 Q. 71 of them must have been screened for
 6 some of the initial questions?
 7 A. Correct.
 8 Q. To get it down to 224. And then 10
 9 more people at some point after answering the
 10 questions 8, 9 and 10 dropped out of the survey?
 11 A. Correct.
 12 Q. Is that right?
 13 A. Correct.
 14 Q. Okay. When did the study actually take
 15 place in terms of calling folks?
 16 A. Let's see. Basically, the interviews
 17 took place between January 18th and February 6th.
 18 Q. Now, M/A/R/C didn't collect any data to
 19 verify usage of PCS as an alternative for wireline
 20 service? It just relied on respondents to
 21 self-report that as an answer; is that right?
 22 A. Correct.
 23 Q. So for example on questions 9 and 11,
 24 which asked about use of PCS, there's no data to
 25 compare PCS usage with wireline usage to determine

1 My question is, is that all calls or
 2 just some calls?
 3 A. Basically what it is it's -- I mean,
 4 I'll read the answers to the survey. I use the
 5 mobile service to make calls when I am at home in
 6 addition to using a regular wireline telephone.
 7 Q. So I take it then that you wouldn't
 8 know from the answers given to you if the answers
 9 reflect all calls or only some calls?
 10 A. Correct.
 11 Q. And I guess similarly, if it was only
 12 some, you wouldn't know that -- based on the
 13 answers you were given, you wouldn't know what the
 14 percentage would be?
 15 A. Correct.
 16 Q. Similarly, at the bottom of that page,
 17 you say similar to the previous finding, Table 9
 18 indicates that over half of PCS customers with
 19 mostly business usage utilize their PCS telephone
 20 as a second telephone at work which may reduce or
 21 eliminate the need to add a second wireline
 22 phone.
 23 Based on the answers you were given,
 24 you don't know if that's for all calls or only
 25 some calls; is that right?

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1 you see here be the same as what I would tell you
2 today without having seen these before? Is that
3 what you're asking me?
4 Q. Perhaps we should go off the record.
5 (A discussion was had off the record.)
6 A. Could you restate the question then,
7 please?
8 Q. Let me repeat a couple foundation
9 questions. You assisted in the preparation of
10 these data requests?
11 A. Yes.
12 Q. But until you have looked at the final
13 format of these data requests, you haven't seen
14 the complete requests and responses until right
15 now?
16 A. Correct.
17 Q. But to your knowledge, if I were to ask
18 you the same questions today that are contained in
19 the data requests we issued on July 24, the
20 substantive content of your responses would be the
21 same?
22 A. Correct.
23 Q. Thank you. I'd like to turn your
24 attention to request number 1. For the benefit of
25 those listening, would you mind reading the brief

1 interviews is the industry standard.
2 Q. You used industry standard in the last
3 sentence of the response, or the phrase industry
4 standard is contained in the last sentence of the
5 response; correct?
6 A. Correct.
7 Q. Would you define the industry that
8 we're speaking of here?
9 A. Market research.
10 Q. Marketing research?
11 A. (Witness nodded head affirmatively.)
12 Q. Directing your attention again to
13 request number 1, the request starts out by
14 saying, please provide all responses to the survey
15 including interviews terminated before reaching
16 the end of the survey; is that correct?
17 A. Correct.
18 Q. Now, tabulation, a mathematical
19 tabulation of the responses, is not the same thing
20 as provision of hard copies of the actual survey
21 responses, is it?
22 A. Well, this was done via computer, so
23 there is no actual hard copy. This would be the
24 closest thing you could get to that.
25 Q. There were no -- strike that. The

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1 request and response, please?
2 A. Tabulation of responses to all
3 individual questions are attached to this
4 response.
5 Q. I'm sorry, could you start with the
6 request and the response?
7 A. The request also?
8 Q. Yes, please.
9 A. Request number 1, please provide all
10 responses to the survey, (not including question
11 number 16, 16a, 16b, 16c, 16d, 16e and 17),
12 including interviews terminated before reaching
13 the end of the survey.
14 Response, tabulation of responses to
15 all individual questions are attached to this
16 response. These tables include interviews
17 terminated before the end of survey. In other
18 words, the attached tables are based on total
19 contacts made.
20 Please note that the percentages in the
21 attached tables will not match up exactly to the
22 percentages in the original report, because the
23 percentages in the report are based on total
24 completed interviews, rather than total contacts
25 made. Basing data tabulations on total completed

1 interviewers were at computer terminals at all
2 times during the Kentucky PCS survey?
3 A. Correct.
4 Q. And never used a hard copy to handwrite
5 responses given to them over the telephone?
6 A. Correct.
7 Q. To your knowledge, does the data file
8 questions and responses still exist?
9 A. Yes.
10 Q. And that's in M/A/R/C's custody?
11 A. Correct.
12 Q. Let me ask you this, Mr. Denk. If one
13 set about to determine the adequacy of a marketing
14 survey, in your opinion would it be helpful to
15 examine the actual paper survey results or
16 responses if they existed?
17 A. The question was would it be adequate?
18 Q. Would it be helpful to assist in
19 determining the adequacy of the results of a
20 marketing survey to examine the actual paper
21 interview responses, if any existed?
22 A. It's never done by a client
23 organization. So I'm not -- I would say that they
24 must deem that it's not helpful. We never get
25 that request from a client organization to

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1 actually look at the raw data file.

2 What we provided in this response,
3 tabulation of responses, is typically the lowest
4 level of detail that anybody would look at to
5 establish, you know, what the answers were in the
6 survey.

7 Q. So as far as your company, M/A/R/C
8 Research, goes, you have never since the inception
9 of the company used hard copy data responses?

10 A. No, that's not correct.

11 MR. ALEXANDER: I'm going to object to
12 asking ever in your life type questions. But if
13 you want to put some reasonable parameters on it.
14 Since the inception of the company is what I
15 objected to.

16 BY MR. ATKINSON:

17 Q. Let me ask you this, Mr. Denk. How
18 long has M/A/R/C been in existence, the company?

19 A. Since 1965.

20 Q. Let me direct your attention to the
21 response to request number 3. Are you with me,
22 Mr. Denk?

23 A. Yes, sir.

24 Q. I'm going to read a portion of the
25 response and ask you to accept my reading, subject

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1 to check. NER Usage stands for Non-Eligible
2 Respondent - Usage, which relates to answer
3 categories which would disqualify a respondent
4 from continuing with the survey because of not
5 meeting the screening qualifications.

6 Let me just stop here and ask you, to
7 your knowledge, how many potential respondents
8 were in fact excluded because they failed the
9 screening qualifications indicated by the NER
10 usage symbol? N-E-R, NER usage.

11 A. I don't know the exact number. If you
12 had requested that, I would have provided that. I
13 don't know off the top of my head. I could find
14 that out if we needed to.

15 Q. Were there any?

16 A. Yes, there were.

17 Q. And we repeat the same question for the
18 symbol NER demo, N-E-R demo. For the benefit of
19 those listening, the response continues, NER demo
20 means the respondent was disqualified from
21 continuing in the survey due to not having a valid
22 PCS prefix.

23 And I would ask you the same question.
24 Do you know how many respondents, sitting here
25 today, if any, were disqualified because they

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1 failed this criterion?

2 A. Yeah, there were some. And I believe
3 the number was about 43.

4 Q. 43?

5 A. Yeah. I think that was the number.
6 Just based on recollection.

7 Q. Were there any other symbols or
8 questions that could terminate an interview if an
9 inappropriate response were given?

10 A. Were there any other than what?

11 Q. Than the two we've discussed.

12 A. Yeah. Let's -- I mean, if you want to
13 look at the questionnaire itself. Any question
14 such as question 1 that has a tally and terminate
15 would be considered a screening question where a
16 person does not continue because they do not meet
17 a qualification.

18 So that would include question
19 number 1, that would include question number 2,
20 question 2a, question 3, question 4, question 4a.
21 And then at 4b, you see end of screener.

22 So at that point -- it's up through
23 that point where those kind of questions are asked
24 to make sure, you know, that the people we
25 interview meet the qualifications created for the

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1 study.

2 Q. I don't want to conduct a memory test
3 today, Mr. Denk. But I do want to ask you, did
4 M/A/R/C keep a tally of how many respondents, if
5 any, failed the tally and terminate screening on
6 the first I guess five questions of the survey
7 that we just discussed?

8 A. Yes.

9 Q. I'd also like to ask you about the
10 question -- request number 5 from Sprint's data
11 request issued July 24th and the response given
12 this afternoon. Let me know when you're with me,
13 Mr. Denk.

14 A. I'm with you.

15 MR. ALEXANDER: Are you on number 5?

16 BY MR. ATKINSON:

17 Q. Yes. A wrong answer to question 16e
18 could disqualify a respondent; is that correct?

19 A. No. There really is no wrong answer,
20 per se.

21 Q. I'm going to read the response and ask
22 you to accept my reading, subject to check.
23 Question 16e was intended to be a security
24 measure. M/A/R/C wanted to discourage respondents
25 from inviting other nonqualified friends and

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1 family members from calling the 800 number in an
2 attempt to complete the survey and collect the
3 cash gift.

4 M/A/R/C felt the wording of Q 16e and
5 the requirement of a mobile phone number might
6 serve to accomplish this goal. At the completion
7 of the collection phase, a complete listing was
8 run of all respondents and their mobile phone
9 numbers. Based on that analysis, M/A/R/C did not
10 remove any respondents from the file.

11 Is that a correct reading?

12 A. Correct.

13 Q. I'd like to ask you again, based on
14 this question, would it be possible if a
15 respondent gave a wrong answer to this question
16 that they would be removed from the data file?

17 A. What do you mean by a wrong answer?

18 Q. Well, let's look at question 16e. Can
19 you turn to that in the survey?

20 A. Okay.

21 Q. And that question reads, what is your
22 mobile phone number --

23 A. Right.

24 Q. -- is that correct?

25 A. Correct.

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1 Q. Based on this question and the
2 response, I gather if someone could not provide a
3 mobile phone number, the interview would be
4 terminated and the results would be rejected from
5 the data file; is that correct?

6 A. No, I don't think so.

7 Uh-uh (negative). Let me clarify the purpose of
8 this question. The thought was if they are being
9 asked to provide their mobile phone number, that
10 would create an impression for them that we would
11 be checking up on that to make sure they were a
12 valid PCS customer.

13 So that would be a deterrent to just
14 telling somebody else off the street to call this
15 number, waste our time, and try to collect money
16 when they weren't really a valid customer. That
17 was the purpose of the question. So it was really
18 just a disguise, if you will.

19 Q. Okay. I don't want to spend all day on
20 this, Mr. Denk, but how would you determine
21 whether they were a valid PCS customer based on
22 the responses to this question?

23 A. We wouldn't, based on this question,
24 because we asked other questions to determine that
25 earlier in the survey.

1 Q. Let's move on. Mr. Denk, has M/A/R/C
2 been hired by any RBOCS besides BellSouth to
3 conduct a PCS-related survey?

4 A. I am not aware of that. I am not aware
5 of that. I don't know.

6 Q. You discussed earlier in your testimony
7 here this afternoon Tables 3, 4 and 5 from your
8 report --

9 A. Uh-huh (affirmative).

10 Q. -- included on pages 3 and 4. And I
11 believe that we've discussed and you've testified
12 that the conclusions that you draw from the survey
13 results indicated in those tables are that
14 8 percent of the 214 survey respondents have, in
15 one way or another, to use the phrase again,
16 cannibalized wireline usage for wireless.

17 Is that a correct summary of the
18 report?

19 A. Yeah. I mean I would say that a total
20 of 8 percent answered the survey, you know, in the
21 wording of those three questions.

22 Q. And I believe you testified earlier as
23 well as that 8 percent of the 214 qualified
24 respondents was roughly 16 or 17; is that
25 correct?

1 A. Correct.

2 Q. Let me ask you hypothetical, if four of
3 these 16 or 17 respondents misinterpreted the
4 relevant survey questions and their relevant
5 survey answers were based on this
6 misinterpretation, in your opinion, would that
7 have a statistically relevant effect on the
8 results of the survey?

9 MR. ALEXANDER: I'm going to object to
10 the question. It's one assumption after another
11 based on somebody giving -- the hearer to the
12 question having a false understanding of the
13 question and I'm assuming giving a false answer
14 based on a false question. Is that the foundation
15 for the hypothetical?

16 BY MR. ATKINSON:

17 Q. It's a hypothetical really with just
18 one fact assumed, that the four or five
19 respondents of the 17 we're discussing
20 misinterpreted the relevant questions pertaining
21 to Tables 3 and 5. And I stand by the question.
22 The witness can answer.

23 MR. ALEXANDER: Well --

24 THE WITNESS: I have no way of knowing
25 if someone misinterpreted the question. All I can

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1 go on is what they gave as their answer. And
2 that's what happens in survey research.

3 BY MR. ATKINSON:

4 Q. Just a few more questions, Mr. Denk.
5 (A discussion was had off the record.)

6 Q. You've discussed this before in
7 previous testimony this afternoon. Strike that.
8 Let me back up and ask a couple of prefatory
9 questions.

10 MR. ALEXANDER: Go ahead. You struck
11 it. That's fine.

12 BY MR. ATKINSON:

13 Q. Let me direct your attention to page 1
14 of your summary report, which is Exhibit AJV-3.
15 There you state or there the report states in the
16 first paragraph, the study was designed to assess
17 the purchase motivations of customers who have
18 chosen PCS and to understand how customers are
19 using PCS. Is that a correct reading?

20 A. Correct.

21 Q. Now, the language from your report
22 speaks of customers who have chosen PCS, not
23 customers who have chosen a specific PCS, such as
24 Sprint PCS; correct?

25 A. (Witness nodded head affirmatively.)

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1 Correct.

2 Q. You've also discussed this earlier in
3 part, Mr. Denk. But I'd just like to ask you
4 directly why were all other wireless entities
5 excluded from the sample we're here discussing
6 today?

7 A. Well, the study was targeted at PCS
8 users, so that excluded most wireless users, that
9 is non-PCS users. That would be the primary
10 answer to that question, I guess.

11 Q. I believe you stated earlier that in
12 your opinion, and in M/A/R/C's opinion, the
13 relevant population of interest is PCS users only
14 in the Louisville MTA?

15 A. For the objectives of this study, the
16 target group was PCS users.

17 Q. You testified earlier that it was not
18 possible to draw a random sample based on the
19 population of interest used for this survey. Why
20 was it not possible, Mr. Denk?

21 A. Well, a random probability sample is a
22 sample where everyone has a known and equal
23 probability of being included in the sample. And
24 there was no sampling approach or method in our
25 evaluation that could accomplish that.

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1 Q. You also testified earlier that the
2 phrase or the category PCS users is a
3 low-incidence category?

4 A. Correct.

5 Q. Do you recall testifying to that?

6 A. Correct.

7 Q. Can you define the term low-incidence
8 category for us?

9 A. Can I? Is that a question?

10 Q. Yes, would you.

11 A. It's basically a group of people that
12 exists in very low numbers out there in the
13 population.

14 Q. So there's not many of them?

15 A. Right.

16 MR. ATKINSON: Thank you. No further
17 questions.

18 MR. ALEXANDER: Folks on the phone, if
19 anybody has any questions, all the folks here in
20 Atlanta are done with their cross.

21 MR. CAMPEN: This is Henry Campen. I
22 have no questions.

23 MR. GUARISCO: This is Paul Guarisco
24 with e.Spar. I have probably just a couple
25 questions.

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1 THE WITNESS: Okay.

2 EXAMINATION

3 BY MR. GUARISCO:

4 Q. Good afternoon, Mr. Denk. I'm Paul
5 Guarisco with e.Spar Communications. Would you
6 agree that PCS providers in the Louisville market
7 today are still in the process of making the
8 transition from a complimentary telecommunications
9 service to a competitive replacement to wireline
10 services?

11 A. I really don't know the answer to that
12 question.

13 Q. You can't draw any conclusions with
14 regards to that question?

15 A. I just don't know the answer to that
16 question.

17 MR. GUARISCO: Thank you. I have no
18 further questions.

19 MS. DOUGHERTY: Amy Dougherty from the
20 Commission. I have no questions. Thank you,
21 Bill.

22 MR. ALEXANDER: Has everybody who is
23 here, the intervenors' counsel, had their
24 opportunity?

25 (A discussion was had off the record.)

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1 MR. ALEXANDER: This is Tom Alexander.
2 I have very few redirect questions.
3 EXAMINATION
4 BY MR. ALEXANDER:
5 Q. Mr. Denk, one thing that I don't think
6 really got established was about your background
7 and your company's background. I know in response
8 to one question by Mr. Atkinson from Sprint, but
9 would you please describe your background, how
10 long have you been in market data research, and
11 how long has M/A/R/C been around as a company?
12 Things like that.

13 A. M/A/R/C has been in business since 1965
14 in the market research business. I've worked for
15 mark M/A/R/C since 1982, 16 years, doing a variety
16 of market research. The company, probably about
17 25 percent of our -- well, we're about
18 \$100 million company in total.

19 About 25 percent of our revenues are
20 with clients in the telecommunications industry.

21 Q. Of those telecommunications clients,
22 can you -- without naming names. I don't know if
23 there's any confidentiality requirements about
24 what kind of market data research you do. But do
25 you do market data research for what we call

1 Q. Okay. Mr. Atkinson, a few minutes ago,
2 pointed to the objectives of the study and noted
3 that the objective was -- primary objective of
4 this research was to examine the PCS market for
5 the presence of the following groups, and you list
6 those.

7 Would you look down at that document
8 and see if it does not specifically say who
9 M/A/R/C Research talked to within that PCS market
10 and where?

11 A. Where are you referring to?

12 Q. First page on research methodology and
13 sampling.

14 A. Right, yeah. It describes with whom we
15 conducted telephone interviews and what
16 geographical location. It talks about how we
17 screened for these customers or found these
18 customers. And it tells how many we talked to.

19 Q. So M/A/R/C talked to only PCS customers
20 of Sprint PCS in the Louisville, Kentucky, area.
21 Is that reflective of your study?

22 A. That's correct.

23 Q. Also, while we're looking at the study,
24 I want to ask you some questions about this
25 methodology that has come up, the random sampling

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1 interexchange carriers or incumbent local exchange
2 carriers or other wireless entities?

3 A. We do work with a variety of different
4 telecommunications companies, including long
5 distance companies -- or primarily long distance
6 companies, wireless companies, RBOCs.

7 Q. RBOCs being Regional Bell Operating
8 Companies?

9 A. Really all sectors of the
10 telecommunications industry.

11 Q. Okay. And you were asked a number of
12 questions by several of the attorneys about the
13 purpose of the study and why you did that. I know
14 you testified that you've made a proposal.

15 Was that proposal based on BellSouth
16 telling you some instructions about what they were
17 looking for and then you came back and made a
18 proposal?

19 A. We had a conference call to discuss the
20 goals and objectives of the research, which is a
21 common practice. And then based on that
22 discussion, we developed a research proposal that
23 suggested an approach to gathering information to
24 meet those information objectives. And that's
25 basically the process that took place.

1 versus running the ads and looking for this
2 particular group of PCS users, being Sprint PCS
3 users in one location, Louisville Kentucky.

4 Is that type market research data used
5 by other companies for other reasons? Is this a
6 standard type methodology in doing market data
7 research?

8 A. This type of methodology is frequently
9 used when the target group for the study is a very
10 low-incidence study. The other factor here is
11 that they're all located in a particular
12 geographical area.

13 So therefore a method such as this
14 could be used to try to locate people within this
15 particular geography. Typically, when you have a
16 very low incidence target group that you're
17 looking for, the costs and the amount of time and
18 the availability of any information about that
19 population of interest makes it very difficult to
20 complete a -- to complete large numbers of surveys
21 with those people.

22 So I mean, those are the factors that
23 were under consideration when we determined that
24 this methodology was the one that we would use.

25 Q. Do other companies use this type market

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1 data research approach? Based on your
2 understanding and knowledge, do they rely on the
3 results that M/A/R/C gives them from this type
4 approach?

5 A. Yes. They use this type of method
6 periodically and draw inferences from the
7 results.

8 Q. Okay. And by using it, do you know
9 whether or not they make market decisions, like
10 are they going to invest capital in a new product
11 or service based on this type market-based
12 research?

13 A. Yes. That's why they do the research.
14 They do research to gather information to provide
15 input to decision-making and to lower the risk of
16 making wrong decisions. And frequently, research
17 is done in the context of having information or
18 having no information. And so companies gather
19 information and use that information to assist in
20 decision-making. And this is very typical of the
21 kind of thing that happens with our clients.

22 Q. You were asked a number of questions by
23 different attorneys about random samples in the
24 universe, comparisons you could make. The numbers
25 that you have put forth in your study are based on

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1 the responses that you received to the newspaper
2 ads; is that correct?

3 A. That's correct.

4 Q. And did M/A/R/C Research, in doing this
5 study, find customers -- I'm not even asking you
6 how many. I know you list percentages. But did
7 M/A/R/C Research locate customers based on this
8 study who indicated that they were subscribing to
9 PCS instead of wireline when they initiated
10 service?

11 A. Yes.

12 Q. Did M/A/R/C Research find customers in
13 doing this market data research who found PCS
14 customers who indicated they were using PCS
15 instead of a second wireline?

16 A. That's correct.

17 Q. And did M/A/R/C Research find
18 customers, when responding to this research study
19 that M/A/R/C did, who responded that they have
20 eliminated wireline all together and replaced it
21 with PCS?

22 A. Yes, we did.

23 MR. ALEXANDER: No further questions.

24 MR. ATKINSON: For clarity of the
25 record, counsel for BellSouth has suggested that

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1 we make the responses to Sprint's data request
2 issued on July 24th Deposition Exhibit A, the only
3 one to these proceedings.

4 (Deposition Exhibit A was
5 marked for identification.)
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1 DEPONENT'S AFFIDAVIT

2 I, BILL DENK, the witness
3 herein, have read the transcript of my testimony
4 and the same is true and correct to the best of
5 my knowledge. Any corrections and/or additions,
6 if any, are listed separately.
7

8 Bill Denk
9

10 Sworn to and subscribed before me,
11 this ____ day of _____, 19__.

12 (Notary Public)

13 My Commission Expires _____
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C E R T I F I C A T E

1
2 STATE OF GEORGIA,
3 COUNTY OF FULTON:

4 I do hereby certify that the above and
5 foregoing deposition was taken down, as stated in
6 the caption, and the questions and the answers
7 thereto were reduced to typewriting under my
8 direction.

9 I do further certify that the witness
10 was duly sworn by me, that the exhibits attached
11 are true and correct as furnished to me, and that
12 the foregoing 89 pages represent a true and
13 correct transcript of the evidence given by said
14 witness upon said hearing.

15 I do further certify that I am not of
16 kin or counsel to the parties to the case; am not
17 in the regular employ of counsel for any of said
18 parties; nor do I have any interest, financial or
19 otherwise, in the final result of said case.

20 This, the 15th day of August, 1998.

21

22 Carolyn J. Smith, Notary Public
23 My Commission Expires 01/04/02
24 Registered Professional Reporter
25 Certified Shorthand Reporter

Certificate Number A-1361

<p>-\$-</p> <p>\$100 [1] 82:18 \$25,000 [1] 10:2 \$30,000 [1] 10:2</p> <p>-0-</p> <p>01/04/02 [1] 90:23</p> <p>-1-</p> <p>1 [10] 8:21 35:17 49:6 52:20 66:24 67:9 68:13 72:14,19 78:13 10 [6] 33:2 55:20 58:1,8 59:8,10 11 [9] 33:5 35:17,19 55:20 56:12 56:14,21 58:1 59:23 12 [1] 56:17 130 [4] 58:15,16,17 59:1 137 [2] 58:2,25 15th [1] 90:20 16 [5] 30:20 67:11 76:24 77:3 82:15 16a [1] 67:11 16b [1] 67:11 16c [1] 67:11 16d [1] 67:11 16e [5] 67:11 73:17,23 74:4,18 17 [5] 30:20 67:11 76:24 77:3,19 18th [1] 59:17 19 [1] 89:11 1965 [2] 70:19 82:13 1982 [1] 82:15 1998 [2] 45:20 90:20</p> <p>-2-</p> <p>2 [10] 20:14,14 21:13 34:19 52:20 52:24 53:5,16,20 72:19 20 [1] 60:7 20.2 [1] 31:21 21 [3] 34:6,11 35:7 214 [13] 14:8,8,12 20:16 21:12 30:19 54:11,24 58:5,6,16 76:14 76:23 224 [2] 58:5 59:8 24 [2] 56:5 66:19 24th [4] 64:10,23 73:11 88:2 25 [3] 10:2 82:17,19 29 [4] 34:12 35:7,12,12 295 [4] 55:5,13 59:3 63:4 2a [1] 72:20</p> <p>-3-</p> <p>3 [9] 21:24,24 34:22,23 70:21 72:20 76:7,10 77:21 30 [1] 63:24</p> <p>-4-</p> <p>4 [3] 72:20 76:7,10 43 [2] 72:3,4</p>	<p>46.4 [1] 31:18 4a [1] 72:20 4b [1] 72:21</p> <p>-5-</p> <p>5 [4] 73:10,15 76:7 77:21 51%+ [1] 57:3</p> <p>-6-</p> <p>6 [4] 37:14,23 39:2 60:19 67 [1] 30:25 6th [1] 59:17</p> <p>-7-</p> <p>7 [4] 33:25 34:8,8 60:20 71 [1] 59:5 75 [1] 29:1</p> <p>-8-</p> <p>8 [12] 30:24 31:10 55:20,21 56:20 56:24 58:1 59:10 60:21 76:14 76:20,23 80 [1] 29:1 800 [1] 74:1 84 [3] 58:12,16,23 87 [9] 55:21 56:16,17,19 57:6,8 57:21 58:1,22 89 [1] 90:12</p> <p>-9-</p> <p>9 [8] 33:6 55:20,21 56:20 58:1 59:10,23 61:17</p> <p>-A-</p> <p>A-1361 [1] 90:25 abandoned [4] 20:15,19 21:14 21:19 ability [2] 23:9 62:19 absolutely [1] 52:8 accept [2] 70:25 73:22 access [1] 40:11 accomplish [3] 43:22 74:6 79:25 accomplishing [1] 23:11 accordingly [1] 64:11 accuracy [1] 60:1 accurate [4] 17:11,12 24:18,20 actual [6] 15:24 47:12 68:20,23 69:15,20 ad [10] 16:24 23:5 25:6 26:24 28:12,16,24 29:11,12 44:18 adding [1] 34:22 addition [2] 31:17 61:6 additions [1] 89:5 adequacy [2] 69:13,19 adequate [3] 19:11,13 69:17 administration [1] 6:1 ads [2] 85:1 87:2</p>	<p>advertisements [3] 47:3 49:24 55:13 affirmatively [5] 37:6 44:10 62:7 68:11 78:25 afternoon [5] 64:6 73:12 76:7 78:7 81:4 aggregate [1] 34:12 agree [19] 10:17 11:7,8,18 17:10 17:11,14 23:25 25:17,24 26:1,7 27:16 32:1 33:12 35:18 39:1 54:3 81:6 agreed [4] 35:14,23 36:23 37:1 agreement [1] 47:20 agrees [1] 25:2 ahead [1] 78:10 AJV-3 [1] 78:14 Alexander [9] 6:5 12:12 20:21 21:2 24:3 26:11 27:23 28:3 35:2 39:5,12 41:7 55:22 56:1,10,13 63:20 64:17 70:11 73:15 77:9 77:23 78:10 80:18 81:22 82:1,1 82:4 87:23 alluded [1] 29:18 alternative [11] 11:20,21 13:11 16:9,21 42:6 45:1 48:7 49:9,14 59:19 alternatives [7] 11:24,25 13:25 29:19 44:22,22,24 amount [2] 62:21 85:17 Amy [3] 25:13,15 81:19 analog [1] 22:18 analogous [1] 16:5 analysis [5] 47:13 48:1 57:19 57:19 74:9 analyze [3] 29:4,14 47:21 answer [28] 20:25 24:11,15 26:18 32:9,21,24 39:16 36:20 39:13 40:16 41:20 51:1,4 52:14 59:21 60:8 71:2 73:17,19 74:15 74:17 77:13,22 78:1 79:10 81:11 81:15 answered [7] 30:4 32:14 53:6 54:12 58:12,15 76:20 answering [2] 32:15 59:9 answers [19] 8:6,10 10:11 33:2 33:3,8,21 36:19 60:1,13 61:4,8 61:8,13,23 65:21 70:5 77:5 90:6 anyway [1] 39:14 appear [2] 8:11,14 application [1] 52:9 applies [1] 40:2 apply [1] 52:8 approach [6] 28:9 46:22 79:24 83:23 86:1,4 approached [1] 8:16 appropriate [2] 6:9,11 appropriately [1] 11:9 area [4] 18:13 19:1 84:20 85:12 areas [1] 18:9 assess [1] 78:16 assist [4] 65:3,6 69:18 86:19 assisted [2] 65:18 66:9</p>	<p>associates [1] 38:2 assumed [2] 48:22 77:18 assuming [1] 77:13 assumption [1] 77:10 AT&T [1] 42:15 Atkinson [13] 63:24 64:3,5,19 70:16 73:16 77:16 78:3,12 80:16 82:8 84:1 87:24 Atlanta [1] 80:20 attached [7] 6:7 63:13 67:3,15 67:18,21 90:10 attempt [2] 45:1 74:2 attention [5] 16:25 66:24 68:12 70:20 78:13 attorney [1] 25:14 attorneys [3] 56:2 83:12 86:23 attract [1] 42:7 attracts [2] 41:15 42:1 audience [1] 62:11 August [1] 90:20 authority [1] 13:20 automatically [1] 24:24 availability [1] 85:18 available [3] 12:2 13:12 14:1 average [1] 34:11</p> <p>-B-</p> <p>background [4] 26:17 82:6,7,9 balance [1] 29:2 base [1] 57:3 based [27] 22:9 24:4 52:3 53:9 55:10 58:11 61:12,23 62:18 67:18,23 72:6 74:9,13 75:1,21 75:23 77:5,11,14 79:18 83:15 83:21 86:1,11,25 87:7 basic [5] 16:21 17:3 18:22 19:3 62:10 Basing [1] 67:25 basis [3] 38:24,24 52:12 behalf [1] 64:5 BellSouth [22] 6:9,23,24 8:16 9:1,6,13,24 10:7 15:6 18:10 22:10,11 39:8 40:6 42:25 45:25 46:11 56:3 76:2 83:15 87:25 BellSouth's [3] 18:12 40:10 64:22 below [1] 53:22 benefit [2] 66:24 71:18 Berlin [21] 6:13 12:18 20:25 21:8 24:6 25:11,15,16 26:13 27:20,24 28:10 35:4,5 37:22 39:11,15 41:18 42:10,18 49:19 between [3] 42:24,25 59:17 beyond [2] 9:15 32:5 bias [3] 24:24 29:5,15 biases [1] 33:22 bicycle [2] 16:8,11 Bill [7] 9:8,9 37:16 64:5,18 81:21 83:7 89:2,8 bottom [1] 61:16 brand-new [2] 39:23 42:7</p>
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